

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martínez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda/Minutes December 8, 2015 7:00 P.M.

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Call to Order – **Council President Gonzalez called meeting to order at 7:28 p.m.**

Roll Call- **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- **Council President Luis Gonzalez**
- **Council Vice President Cue-Fuente**
- **Councilman Jose Caragol**
- **Councilwoman Vivian Casáls-Muñoz**
- **Councilwoman Isis Garcia-Martínez**
- **Councilwoman Lourdes Lozano**
- **Councilman Paul Hernandez**

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance - **Councilman Caragol led the Pledge of Allegiance.**

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

**REPORT: The meeting guidelines were read into the record by the City Clerk in English and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.**

Presentations – **None**

1. Announcement of Amendments/Corrections to the Agenda – **The following was announced by the City Clerk:**

- a. **The resolution of item AA has been amended and a copy has been placed on the dais for the City Council's review.**
- b. **Item CC has been withdrawn from today's agenda.**
- c. **Items DD, EE, FF, GG and HH have been added to the agenda.**
- d. **Item HH is being amended to reflect the date of contract as commencing on February 1, 2017.**
- e. **Items 3, 4, 5 and 6 are being postponed until the City Council Meeting of January 12, 2016 due to notice requirements. The items will be before the City Council on first reading.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

**REPORT: Frank De La Paz, 2300 West 84 Street, Hialeah, FL, requested separate discussion on item DD.**

**REPORT: Councilman Hernandez requested separate discussion on item EE.**

**REPORT: Motion to Approve the Consent Agenda, except Items DD and EE, made by Councilwoman Casáls Muñoz, and seconded by Councilman Caragol. Motion passed (7-0).**

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on November 24, 2015 (OFFICE OF THE CITY CLERK) **APPROVED 7-0**
- B. Request to cancel the City Council meeting of December 22, 2015 in observance of the Christmas holiday. (OFFICE OF THE CITY CLERK) **APPROVED 7-0**
- C. Report of Scrivener's Error – Resolution No. 2015-143 of the City Council Meeting held on November 10, 2015 was approved with a vendor name of Point Blank Enterprises, which is the

manufacturer. This item is being amended to reflect the correct vendor and local retailer, Federal Eastern International, Inc. (POLICE DEPT.) **APPROVED 7-0**

- D. Request permission to increase purchase order # 2016-24, since it is advantageous to the City, issued to Sensus USA Inc., sole source supplier of meters, its components and parts used by the Department of Public Works, to purchase water meters and replacement parts, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$65,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- E. Request permission to waive competitive bidding, since its advantageous to the City in that this vendor is one of the two vendors used by the department for water meters and the department has conducted business with this vendor for the past several years, and issue a purchase order to HD Supply Waterworks, LTD., to purchase cast iron meter valve boxes and covers for fiscal year 2015-2016, in a total cumulative amount not to exceed \$60,000 (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- F. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the department's specifications and requirements, and increase purchase order #2016-20, issued to HD Supply Waterworks, LTD., to purchase pipes, materials and supplies for City meters, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- G. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is one of the several vendors used by the department for the purchase of pipe, materials and supplies and is familiar with the department's specifications and requirements, and increase purchase order #2016-14, issued to Ferguson Enterprises, Inc., to purchase pipes, materials and supplies for hydrants, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- H. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is one of the several vendors used by the department for the purchase of pipe, materials and supplies and is familiar with the department's specifications and requirements, and increase purchase order #2016-11, issued to Lehman Pipe and Plumbing Supply Inc., to purchase pipes, materials and supplies for hydrants, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- I. Request permission to waive competitive bidding, since it is advantageous to the City in that this has been providing printing services to the department for the past several years and is familiar with the department's requirements, and issue a purchase order to Olmedo Printing Corporation, for printing services to include the printing of new utility bills, new department envelopes and the Water Quality Report, in a total cumulative amount not to exceed \$60,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- J. Request permission to utilize Contract # RFP-1201-Wastewater Collection System Rehabilitation between Lee County and Miller Pipeline, LLC, and issue a purchase order to

Miller Pipeline, LLC, for the City's wastewater collection system rehabilitation to include the lining of the sewer mainlines, in a total cumulative amount not to exceed \$1,000,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**

- K. Request permission to utilize Contract # 041-14–Gravity Sewer Mains Rehabilitation between the City of Plantation and Layne Inliner, LLC, and issue a purchase order to Layne Inliner, LLC, to provide all labor, materials and equipment needed to perform sanitary sewer repairs, in a total cumulative amount not to exceed \$1,000,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- L. Request permission to utilize the agreement between the City of St. Cloud, Florida and American Infrastructure Technologies Corporation for Sewer Main (RICIP) Rehabilitation dated January 24, 2013, and issue a purchase order to American Infrastructure Technologies Corporation, to provide all materials, labor and equipment needed to complete the Sewer Main Rehabilitation Phase IV, in a total cumulative amount not to exceed 1,000,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- M. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the materials and requirements of the department, and issue a purchase order to Palma Paving & Concrete Inc, the only vendor which provided an estimate of the three vendors from whom prices were requested, for adjustments needed to be made along Northwest 79<sup>th</sup> Street (East 25<sup>th</sup> Street) which include sanitary sewer manholes, water valves and meter boxes, in a total cumulative amount not to exceed \$20,355. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- N. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the sole source supplies of FLYGT pumps in that State of Florida, and issue a purchase order to Xylem Water Solutions U.S.A., Inc., for the service of repair and for the purchase of parts of FLYGT submersible pumps and attributes for the purpose of maintaining and operating the department's sewer pump stations, in a total cumulative amount not to exceed \$150,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- O. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the department's control system, and issue a purchase order to Curry Control Company, for the service of repairing and replacing the electronic panels for the City's eleven (11) pump stations, in a total cumulative amount not to exceed \$60,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- P. Request permission to waive competitive bidding, since it is advantageous to the City in that this is one of the vendors used by the department for pipe and material supplies and is therefore familiar with the department's specifications and requirements, and increase purchase order # 2016-25, issued to A & B Pipe and Supply, Inc., to purchase pipes, materials and supplies, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**

- Q. Proposed resolution authorizing the Mayor or designee to renew insurance coverage through Keen, Battle, Mead & Company for calendar year 2015 in an estimated amount not to exceed \$65,442.75 for Fire, Windstorm and other Covered Perils Coverage and Inland Marine Coverage for the Department of Public Works and its Water and Sewer Distribution Facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT DEPT.) **APPROVED 7-0 RESOLUTION NO. 2015-154**
- R. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Labor Ready Southeast, Inc., to pay for the cost of providing temporary day workers for the Solid Waste Division of the Department of Public Works, in a total cumulative amount not to exceed \$77,513.33. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- S. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is one (1) of a limited number of laboratories certified to conduct the types of tests needed, and issue two (2) purchase order to Florida-Spectrum Environmental Services, Inc., to conduct water quality testing as needed for all of the City's Stage 2 By-Product Rule and the Reverse Osmosis Water Treatment Plant for fiscal year 2015-2016, one purchase order in the amount of \$40,000 and the second purchase order in the amount of \$25,000, in a total cumulative expense amount not to exceed \$65,000. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- T. Request permission to award Hialeah Bid #2015/16-3230-00-004-*Fire Administration-Concrete Driveway and Sidewalk Replacement*, to Construct Group Corp., lowest responsive bidder, for the concrete driveway and sidewalk replacement of the City's Fire Administration Building, in a total cumulative amount not to exceed \$48,400. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED 7-0**
- U. Request permission to increase purchase order #2015-1084, since it is advantageous to the City, issued to Parsons Water & Infrastructure Inc., for an extension to Task C-*Engineering and construction management activities including the drafting of the RFQ and RFP for the selection of a Design Build Operate for the design and construction of a 10.0 MGD Reverse Osmosis Water Treatment Plant*, which includes assisting the City with the engineering inspections and the development phase, including construction and administration of the DNO Service Contract in start-up, run-in, acceptance and project closeout phases, due to the time it has taken to complete the acceptance tests for the water plant and the Graham Wells, by an additional amount of \$250,000, for a new total cumulative amount not to exceed \$857,900. (DEPT. OF PUBLIC WORKS) **APPROVED 7-0**
- V. Request permission waive competitive bidding, since it is advantageous to the City in that this vendor has been reliable and has submitted the lowest price to the City for concrete restoration work, and increase purchase order #2016-109, issued to Metro Express, Inc., for the service of sidewalk restoration of West 56<sup>th</sup> Street from West 18<sup>th</sup> to West 20<sup>th</sup> Avenue and West 18<sup>th</sup> Avenue from West 53<sup>rd</sup> Street to West 56<sup>th</sup> Street, by an additional amount of \$8,485.17, in a total cumulative amount not to exceed \$50,065.17. (STREETS DEPT.) **APPROVED 7-0**

- W. Request from the Church of St. Benedict, for a carnival permit, for the annual festival to be held on church grounds, 701 West 77 Street, Hialeah, Florida, from Thursday, February 18, 2016 through Sunday, February 21, 2016, in accordance with recommendations from the Police and Fire Departments. (OFFICE OF THE CITY CLERK) **APPROVED 7-0**
- X. Request from Rincón de San Lázaro for a procession permit, to host a procession on Thursday, December 17, 2015, commencing on church grounds, 1190 East 4 Avenue, Hialeah, FL, at 8:00 p.m. and ending on church grounds at 10:00 p.m., in accordance with the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK) **APPROVED 7-0**
- Y. Proposed resolution amending Hialeah, Florida Resolution 2015-147 (November 10, 2015), which established a ten member Local Affordable Housing Advisory Committee for the City of Hialeah, to increase the number of committee members to eleven and appointing Leonard Grandio Jr., as a member of the Local Affordable Housing Advisory Committee; providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED 7-0 RESOLUTION NO. 2015-155**
- Z. Proposed resolution approving and ratifying a Sub-Recipient Services Agreement between Hialeah Housing Authority and the City of Hialeah, Florida, executed by Annette Quintana as Director of the Grants Department on behalf of the City, a copy of which is attached hereto and made a part hereof as Exhibit "1", to operate the City's Hot Lunch Programs for elderly residents at six (6) congregate meal sites and provide other related services and activities for one-year commencing on July 1, 2015 and ending on June 30, 2016. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED 7-0 RESOLUTION NO. 2015-156**
- AA. Proposed resolution accepting a Grant Award from the State of Florida Department of Elder Affairs, through Alliance for Aging, Inc. in the amount of \$1,150,000.00 to provide congregate meals at thirteen sites throughout the City for one-year commencing on July 1, 2015 and ending on June 30, 2016; approving and ratifying a Local Services Program Agreement between Alliance for Aging, Inc., and the City of Hialeah, Florida, executed by Annette Quintana as Director of the Grants Department on behalf of the City of Hialeah, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and further authorizing the Mayor or his designee on behalf of the City to execute all other necessary documents in furtherance thereof. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED 7-0 RESOLUTION NO. 2015-157**
- BB. Proposed resolution accepting a Grant Award from the State of Florida, Department of Education in the amount of \$500,000.00, to pay for the costs of construction of the new two-story building at the City of Hialeah Educational Academy; and further authorizing the Mayor or his designee on behalf of the City to execute all necessary documents in furtherance thereof; providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED 7-0 RESOLUTION NO. 2015-158**
- ~~CC. Approval of settlement of the lawsuits filed by the Florida Public Employees Council 79, AFSCME, AFL-CIO vs. City of Hialeah. (LAW DEPT.) **WITHDRAWN**~~

- DD. Request from Santa Barbara Catholic Church, 6801 West 30th Avenue, Hialeah, Florida, for a permit to host a carnival on church grounds on Friday, December 11, 2015 from 6:00 p.m. to 11:00 p.m., Saturday, December 12, 2015 from 4:00 p.m. to 11:00 p.m., and on Sunday, December 13, 2015 from 8:00 a.m. to 10:00 p.m., subject to recommendations from the Police and Fire Departments. On September 22, 2015 the City Council approved a permit to host a carnival on church grounds from Friday, November 27, 2015 through Sunday, November 29, 2015 and Thursday, December 3, 2015 through Sunday, December 6, 2015. The church is now asking for the Council's approval to extend the dates of the carnival due to the weather. (OFFICE OF THE CITY CLERK) **APPROVED 7-0**

**REPORT: Frank De La Paz, 2300 West 84 Street, Hialeah, FL, addressed the City Council on this item.**

**REPORT: Motion to Approve Item DD made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez, Motion passed (7-0).**

- EE. Request from City of Hialeah Education and Community Services for a street closure permit for the Leah Arts District's Toy Drive event, on Sunday, December 20<sup>th</sup>, 2015, between the hours of 1:30 p.m. to 6:30 p.m., on 15<sup>th</sup> Street from East 10<sup>th</sup> Avenue to East 11<sup>th</sup> Avenue, with the event hours being from 2:00 p.m. to 6:00 p.m. (COUNCILMAN HERNANDEZ) **APPROVED 7-0**

**REPORT: Councilman Hernandez addressed the City Council on this item.**

**REPORT: Motion to Approve Item EE made by Councilman Hernandez, and seconded by Councilwoman Garcia-Martinez, Motion passed (7-0).**

- FF. Proposed resolution authorizing the Mayor or designee to obtain Property Insurance Coverage with Affiliated FM (Factory Mutual) through the City's current Property Insurance Agent Keen, Battle, Mead & Company from December 27, 2015 to December 27, 2016 in an estimated amount not to exceed \$387,297.00 for the Hialeah Reverse Osmosis Water Treatment Plant of which Miami-Dade County will reimburse the City for its 50% share. (RISK MANAGEMENT) **APPROVED 7-0 RESOLUTION NO. 2015-159**
- GG. Proposed resolution authorizing the placement of Fiduciary Liability Insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, insuring the City of Hialeah 457 Plan, City of Hialeah 401A Plan, City of Hialeah Elected Officers' Retirement Trust, City of Hialeah Health Maintenance Organization (HMO) Plan, City of Hialeah Self-Funded Group Health Program, and City of Hialeah Medicare Advantage ESA PPO Plan for an annual premium of \$26,192.00 commencing on December 15, 2015 and expiring on December 15, 2016 with no self-insured retention and limit of \$5,000,000.00. (RISK MANAGEMENT) **APPROVED 7-0 RESOLUTION NO. 2015-160**
- HH. Request permission to increase purchase order # 2015-1540, since it is advantageous to the City, issued to Florida Municipal Marketing, LLC, to cover all contract invoices due through the end of the on year contract term, which commenced on **February 1, 2015**, by an

additional amount of \$23,050, in a total cumulative amount not to exceed \$48,050. On April 14, 2015, Item BB, the City Council approved a proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to renew a Consulting Agreement with this vendor to review, redevelop and expand a Corporate Partnership Program and Marking Initiatives for City recreation and educational program, facilities and special events, in an amount of \$25,000.00, payable in quarterly installments, plus commission on naming rights and sales exceeding \$200,000.00, and compensation for other services as agreed, for one year. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED AS AMENDED 7-0**

3. First hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 33. NBD Neighborhood Business District of the Code of Ordinances of the City of Hialeah, and in particular amending Hialeah Code § 98-1627 adding the Industrial Land Use Classification as part of the criteria; amending Hialeah Code § 98-1628 to include the definition of Work/Live Unit; amending Hialeah Code § 98-1630.1 to include Work/Live Units as a permitted use; amending Hialeah Code § 98-1630.2 to include Professional Uses as a permitted use on the Ground Level of a Mixed-Use Building; amending § 98-1630.8 to allow the expansion of NBD Overlay District Regulations to properties abutting a frontage road along expressways and highways in the City and properties having an Industrial Land Use Classification; further amending Article VI. Supplementary District Regulations, Division 10 Parking, and in particular, revising Hialeah Code § 98-2189 entitled “Minimum Required Off-Street Parking Spaces” to include Parking Requirements for Work/Live Units within the NBD Neighborhood Business District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION) **ITEM POSTPONED UNTIL JANUARY 12, 2016.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>

<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>
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4. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 35. Alwod Artist Live/Work Overlay District of the Code of Ordinances of the City of Hialeah, and in particular, adding a new Section 98-1630.22 entitled “Alcoholic Beverage Regulations”, creating an exemption for establishments selling, serving or permitting consumption on the premises of alcoholic beverages from the distance separation requirements; allowing the sale of alcoholic beverages from 8:00 a.m. to 3:00 a.m.; requiring a Conditional Use Permit and providing for Conditional Use Permit Application Requirements and Standards of Review; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION) **ITEM POSTPONED UNTIL JANUARY 12, 2016.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>

<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>
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5. First reading of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **ITEM POSTPONED UNTIL JANUARY 12, 2016.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

6. First reading of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **ITEM POSTPONED UNTIL JANUARY 12, 2016.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

7. Proposed resolution providing that a City Councilmember elected as President or as Vice President of the Hialeah City Council pursuant to Hialeah Fla., Charter § 3.01(c) shall not serve in the same position, as President or as Vice-President, for more than two (2) consecutive years. (COUNCILWOMAN CASALS-MUNOZ) **APPROVED 7-0 RESOLUTION NO. 2015-161**

**REPORT: Motion to Approve Item 7 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed 7-0.**

8. Pursuant to Section 2.01 of the City's Charter, Mayor Hernandez appoints Violeta Blanco, subject to civil service rules and regulations, to the position of Code Enforcement Official. (ADMINISTRATION) **APPROVED 7-0**

**REPORT: Motion to Approve Item 8 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed 7-0.**

9. Board Appointments – **None**

10. Unfinished Business – **None**

11. New Business – **None**

12. Comments and Questions –

- a) **Councilman Hernandez asked to be excused before the start of the Planning and Zoning portion of the City Council Meeting due to a personal family issue he had to attend to.**
- b) **Mayor Hernandez discussed upcoming events, including toy drives, taking place throughout the City.**
- c) **Councilwomen Casáls-Muñoz spoke regarding the event held at JFK Library in honor of James Bright, as well as Arts in Public Places at Hialeah Park.**
- d) **Councilwoman Garcia-Martinez discussed an article in the Travel and Leisure regarding the City. Councilwoman Garcia-Martinez also thanked everyone for a great year and wished all Happy Holidays.**
- e) **Council President Gonzalez commended the different toy drive events taking place throughout the City.**

**REPORT: Councilman Hernandez left the City Council Meeting at 7:51 p.m.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

**REPORT: All were duly sworn in by the City Clerk in English and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.**

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

## ZONING

- PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a rear setback of 10.7 feet, where 15 feet are required, contra to Hialeah Code § 98-1071. **Property located at 445 East 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Melissa Tapanes Llahues on behalf of Leon Medical Centers, Inc.*) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2015-72.**

**REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed 6-0-1 with Councilman Hernandez absent.**

<i>Registered Lobbyist: Melissa Tapanes Llahues</i>
<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- PZ 2. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a side setback of 1.40 feet, where 5.1 feet are required, contra to Hialeah Code § 98-1372. **Property located at 4798 East 10 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Rogelio De La Rosa & Aurora*). **APPROVED 6-0-1 with Councilman Hernandez not present. ORDINANCE NO. 2015-73.**

**REPORT: Motion to Approve Item PZ 2 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed 6-0-1 with Councilman Hernandez absent.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- PZ 3. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property located at 295 West 79 Place, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Alejandro Vilarello, P.A.*) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2015-74.**

**REPORT: Motion to Approve Item PZ 3 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 6-0-1 with Councilman Hernandez absent.**

<i>Registered Lobbyists: Anthony Escarrá and Alejandro Vilarello</i>

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- PZ 4. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a total of 35 parking spaces, where 52 parking spaces are required, to waive a portion of the Landscape Manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, and to allow the landscaped area of 8.8%, where a minimum of 18% is required, to allow a front setback of 19.5 feet, where 20 feet are required, to allow a corner side setback of 0 feet, where 10 feet are required, contra to Hialeah Code §§98-2189(7), 98-2233, and 98-2088(b). **Property located at 3368 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 3368 Palm Avenue LLC*) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2015-75.**

**REPORT: Motion to Approve Item PZ 4 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls-Muñoz. Motion passed 6-0-1 with Councilman Hernandez absent.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- PZ 5. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a total of 83 parking spaces, where 86 parking spaces are required, consisting of 22 off-street parking spaces, of which 17 parking spaces back out into the street, where back out parking is only allowed in low density residential districts, and 61 off-site parking spaces, of which 44 parking spaces are on-street, and to waive a portion of the Landscape Manual contra to Hialeah Code §§ 98-2189(5), 98-2190, and 98-2233. **Property located at 7345 West 19 Court, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre*) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2015-76.**

**REPORT: Motion to Approve Item PZ 5 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls Muñoz. Motion passed 6-0-1 with Councilman Hernandez absent.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- PZ 6. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a College Educational Facility pursuant to Hialeah Code §98-181(2)i on property zoned C-2 (Liberal Retail Commercial District). **Property located at 530 West 49**

**Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Palm Springs Mile Associates, LTD*) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2015-77.**

**REPORT: Motion to Approve Item PZ 6 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls Muñoz. Motion passed 6-0-1 with Councilman Hernandez not present.**

<i>Item was approved by City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

PZ 7. First reading of proposed ordinance granting a Variance Permit to allow a Temporary Waiver of Plat pursuant to Hialeah Land Development Code §10-4(c), provided that the property will be re-platted within eighteen (18) months; granting a Variance Permit to allow 62 parking spaces, consisting of 59 off-street parking spaces and 3 on-street parking spaces, where a total of 80 parking spaces are required; to allow a pervious area of 14.6%, where a minimum of 20% is required; to allow a rear setback of 4 feet, where 15 feet are required; and to allow a west side setback of 4 feet, where 10 feet are required, contra to Hialeah Code §§ 98-2189 (7), 98-2189(16)(a), 98-1630.3(e)(1), 98-1630.3(e)(2), and City of Hialeah Landscape Manual (July 9, 2015) Section (e) Table A. **Property located at 710 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Michael Osman, Esq.*) **APPROVED 6-0-1 with Councilman Hernandez absent. Second reading and public hearing is scheduled for January 12, 2016.**

**REPORT: Motion to Remove Item PZ 7 from Table made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls-Muñoz.**

**REPORT: Motion to Approve Item PZ 7 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls Muñoz. Motion passed 6-0-1 with Councilman Hernandez absent.**

**REPORT: Michael Osman, 1474 West 84<sup>th</sup> Street, addressed the City Council on this item.**

<i>Registered Lobbyist: L. Michael Osman, Esq.</i>
<i>Item was postponed by the City Council during the City Council Meeting of November 24, 2015 until December 8, 2015 per the request of the applicant's representative, Michael Osman, Esq.</i>
<i>Item was postponed by the City Council during the City Council Meeting of October 27, 2015 until November 24, 2015 per the request of the applicant's representative, Michael Osman, Esq.</i>

*Item was approved by the Planning and Zoning Board on October 14, 2015.*

### **CITY INITIATED LAND USE AMENDMENT**

- LU 1. First reading of proposed ordinance adopting amendments to its Comprehensive Plan Land Use Map to designate the boundaries of a New Transit Oriented Development District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.  
**APPROVED 6-0-1 with Councilman Hernandez absent.**

**REPORT: Motion to Approve Item LU 1 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls Muñoz. Motion passed 6-0-1 with Councilman Hernandez absent.**

**REPORT: Council President Gonzalez adjourned the meeting at 8:07 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, January 12, 2016 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 23, 2016 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).